

Application Serial No. 10/736,518
Reply to Office Action dated March 14, 2006

REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner for taking the time to discuss this case during the interview conducted on June 1, 2006. During the interview, the Examiner and the Applicant's representative discussed various distinctions between the applied prior art and the independent claims presented in the present application. At present, claims 1-26 are pending in the application, with claim 27 being withdrawn based on an election made in response to a previously presented restriction requirement. In the present Office Action, the Examiner presented rejections to all of the remaining claims, i.e., claims 1-26. These rejections are respectfully traversed for the reasons set forth below. In addition, the Examiner outlined a rejection under 35 U.S.C. § 112 to claims 4 – 11 for failing to provide proper antecedent basis for "said third dishwasher" and "said fourth dishwasher." By this amendment, claim 4 has been amended appropriately.

In general, the present invention is directed to a dishwasher having a tub provided with a partition wall that extends downward from a top wall at a position between opposing side walls of a washing chamber. First and second racks are movably supported between the partition wall and a respective one of the opposing side walls. Independent claim 2 defines the first dishrack as having a first width and the second dishrack as having a second width, with the first width being at least double the second width. Claim 2 also requires the presence of at least one lower dishrack supported for movement into and out of the tub. Independent claim 12 requires a door assembly mounted for movement relative to the tub in order to selectively seal the washing chamber, with the door assembly including an inner panel formed with first and second outer guide tracks and a first intermediate guide track. The guide tracks cooperate with first and second lower dishracks which are movably supported between recessed positions, wherein the dishracks are arranged within a washing chamber, and extended positions, wherein the first and second lower dishracks are supported upon the intermediate guide track and a respective one of the first and second outer guide tracks. Independent claim 18 defines the partition wall as dividing a washing chamber into first and second wash zones and further adds a controller for selectively performing a washing

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operation in either or both of the first and second wash zones. It should be noted that each of the limitations presented in claims 2, 12 and 18 are also presented in claim 1 as a combination claim.

On page 3 of the Office Action, the Examiner outlined a rejection to claims 1 and 3-26 under 35 U.S.C. § 103(a) as being unpatentable over Kelsey (U.S. Patent No. 6,289,908) in combination with Welch et al. (U.S. Patent No. 6,260,565). Initially, the Applicant is unclear how this combination can meet the limitations of dependent claims 3-11 when claim 2 from which these claims depend is omitted from this particular rejection. In any case, the Examiner relies upon Kelsey to teach a dishwasher having first and second distinct, side-by-side washing cabinets that are coupled to a single water input and a single drain. Each washing cabinet includes upper and lower racks and a door that pivots about a vertical axis. The Examiner correctly recognizes that Kelsey does not teach the width of the dishracks as claimed. However, during the interview, it was pointed out to and recognized by the Examiner that not only does Kelsey not teach the widths of the dishrack but Kelsey also does not teach the partition wall or the door as claimed. In any case, in order to teach the width of the dishracks, the Examiner relies upon Welch et al. which is directed to a double dishwasher having an upper drawer and a lower, conventional dishwasher. The Examiner argues that it would be obvious for a person of ordinary skill in the art to use the width of the dishracks taught by Welch et al. in the Kelsey dishwasher to obtain the claimed dishwasher and to improve efficiency of using the dishwasher.

During the interview, it became clear that, in making this combination, the Examiner was relying upon a statement in Welch et al. that the double dishwasher may include one compartment which is smaller than the other for washing smaller batches of items and that the compartments can be arranged side-by-side. The Applicant pointed out that Welch et al. in fact does teach a dishwasher having one compartment smaller than the other as clearly illustrated in Figure 1, with an upper drawer dishwasher 10 being smaller in depth than a lower, conventional style dishwasher 48. However, contrary to the position taken by the Examiner, arranging the smaller and larger compartments side-

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by-side would not alter the widths of the compartments. Essentially, the compartments would be sized as they are in the upper and lower configuration, but simply arranged in a side-by-side configuration such that the widths of the racks would remain the same. Simply put, there is no teaching in Welch et al. to employing an upper dishrack system including first and second upper dishracks, with the first dishrack having a first width and a second dishrack having a second width, with the first width being at least double the second width. Moreover, none of the prior art, when taken singly or in combination, teaches the door assembly or the lower dishrack system having first and second lower dishracks as presented in claims 1 and 12.

More specifically, each of claims 1 and 12 requires a door assembly spanning each of the first and second wash zones of the washing chamber, with the door assembly being mounted for movement relative to the tub to selectively seal the washing chamber. The door assembly further includes an inner panel formed with first and second outer guide tracks and an intermediate guide track. The first and second outer guide tracks and intermediate guide tracks provide support for first and second lower dishracks when the lower dishracks are in an extended position. None of references presented by the Examiner teaches a dishwasher having first and second lower racks, let alone a dishwasher having a single door that both spans multiple wash zones and supports the first and second lower racks on inner, outer and intermediate guide tracks.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kauffman et al. (U.S. Patent No. 3,466,109) in combination with Welch et al. As noted above, claim 2 requires first and second upper dishracks, with the first dishrack having a first width and a second dishrack having a second width wherein the first width is at least double the second width. While Kauffman et al. teaches a dishwasher having first and second upper dishracks, the claimed width limitations of the dishrack are not taught by Kauffman et al. That is, while Kauffman et al. shows first and second upper dishracks having different widths, one of the dishracks is clearly not double the width of the second dishrack. In addition, claim 2 requires a partition wall that extends downward from the top wall of the tub at a position between the opposing side walls. The Applicant

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respectfully submits that the wall as claimed must partition the tub. That is, the wall must divide the tub into distinct areas. This is not the case in the Kauffman et al. reference. At best, Kauffman et al. employs a bracket 52 which supports a front portion of dishracks or a rear bracket 65 that serves to support unequal sized dishracks. Neither bracket 53 nor bracket 65 constitutes a partition wall analogous to that presented in claim 2. However, in order to more particularly point out and distinctly claim the invention, and in response to the Examiner's request, the Applicant agreed to amend claim 2 to recite that the partition wall at least partially divides the washing chamber into first and second wash zones. However, it should be understood that the limitation in claim 2 setting forth the different widths of the first and second dishracks, particularly that the width of the first dishrack is at least double the width of the second dishrack, is clearly not taught by the prior art.

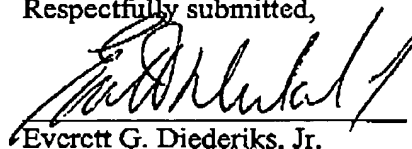
Claim 18 is rejected under 35 U.S.C. § 102(b) as being anticipated by Mazza (U.S. Patent No. 3,586,011). The Examiner argues that Mazza discloses a dishwasher including a tub, a partition wall, a door assembly and a controller as claimed. Initially, it should be noted that no where in the Mazza reference is there any teaching to a door assembly, let alone a single door assembly that spans each of first and second wash zones as required by claim 18. Moreover, contrary to the position taken by the Examiner, Mazza does not teach a controller for selectively performing a washing operation in either or both of the first and second wash zones. That is, at best, Mazza performs a washing operation in both zones 11 and 12 and, upon reaching a certain temperature of washing fluid in zone 12, a valve 21 is operated to cut-off feed to zone 12. Temperature of the washing solution is increased in zone 12 while washing continues on sauce pans contained in zone 11. See column 3, lines 14 – 31. That is, Mazza, at all times, washes in both zones, with one zone being washed at a higher temperature than the other zone. At no point is there any disclosure or description of operating either zone independently or together in a manner required by claim 18. That is, claim 18 requires selectively performing a washing operating in either or both of the first and second wash zones. This is simply not the case with the Mazza arrangement.

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The Applicant further submits that none of the prior art when taken singly or in combination teaches many of the particulars presented in the dependent claims of the application. For example, claims 3, 14 and 22 require that the first width of the dishrack is 20 inches and the width of the second dishrack is 7 inches. Claims 4 and 20 add third and fourth dishracks having widths similar to that of the first and second dishracks. None of the prior art teaches four dishracks in a single dishwasher. Claims 6-9 and 24-26 define wash arms employed in connection with the dishwasher. None of the prior art or the Office Action even remotely addressed these particulars.

Based on the above remarks and amendments to the claims, it is respectfully submitted that the present invention is patentably defined over the prior art such that allowance of all claims and passage of the application to issue is respectfully requested. If the Examiner should have any additional or concerns regarding allowance of this application, she is cordially invited to contact the undersigned at the number provided below in an effort to further prosecution on this case.

Respectfully submitted,



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